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July 26, 2023

VIA ECF

Hon. Lorna G. Schofield, U.S.D.J.
United States District Court,
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Mercer v. ViacomCBS/Paramount*
Index No. 1:22-cv-06322-LGS

Dear Judge Schofield:

This firm represents Defendant ViacomCBS/Paramount (now known as Paramount Global) (“Defendant”) in the referenced matter.

On July 22, 2023, Defendant filed its motion to dismiss Plaintiff Amirah Mercer’s (“Plaintiff”) Complaint pursuant to Fed. R. Civ. P. 12(b)(6). In this filing, Defendant: (a) attached as Exhibit D to the Declaration of Marjorie B. Kulak, Plaintiff’s “Medical Contraindication” paperwork (ECF No. 45-4); and (b) discussed the contents of this paperwork on page 14 of its Memorandum of Law. (ECF No. 44, Page 19 of 24.) As Plaintiff may view these materials as containing her personal medical information, Defendant redacted these materials when they were filed on the public docket, and contemporaneously e-mailed to the Court and Plaintiff (and sent Plaintiff a separate copy by first class mail) a copy of the unredacted versions of these materials.

Defendant respectfully requests that the Court accept this July 22, 2023 redacted filing. In accordance with this Court’s rules and the SDNY ECF Case Filing Rules & Instructions: (a) redacted copies of Exhibit D and Defendant’s Memorandum of Law are attached to this letter; and (b) unredacted copies of these materials will be filed separately, under seal, with the areas which are subject to redaction highlighted. Defendant is also including, as Exhibit A to this letter, a list of the individuals who should have access to the unredacted copy of these materials.

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Thank you for your consideration of this matter.

Respectfully submitted,


/s/ Marjorie B. Kulak
Marjorie B. Kulak

cc: Amirah Mercer, Plaintiff *pro se*
(via e-mail and first class mail)

Application GRANTED. The common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). There is a strong privacy interest in the confidentiality of medical records. *See Parker v. Brann*, No. 12 Civ. 09408, 2022 WL 18402115, at *8 (S.D.N.Y. Dec. 17, 2022). Accordingly, it is appropriate here that unredacted versions of the memorandum of law and accompanying exhibits be filed under seal.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 47, and to maintain Dkt. Nos. 48 and 49 under seal. The Clerk of Court is respectfully directed to allow access to the sealed documents to the persons listed in Exhibit A.

Dated: July 28, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

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Exhibit A

The following parties/counsel should have access to: (1) the unredacted versions of Defendant's Memorandum of Law (ECF No. 44); and (2) Exhibit D to the Declaration of Marjorie B. Kulak (ECF No. 45-4):

Plaintiff *pro se* Amirah Mercer

Defendant ViacomCBS/Paramount

Marjorie Kulak, Esq.
Kauff McGuire & Margolis LLP
Counsel for Defendant ViacomCBS/Paramount